

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SEYYED JAVAD MAADANIAN,

Plaintiff,

v.

MERCEDES-BENZ USA, LLC, *et al.*,

Defendants.

CASE NO. 2:22-cv-00665-RSL

ORDER DENYING MOTION FOR
RECONSIDERATION

This matter comes before the Court on “Defendants’ Motion for Reconsideration of the Order Denying Defendants’ Motion to Dismiss in Part.” Dkt. # 101. “Motions for reconsideration are disfavored” in this district, and “will ordinarily [be denied] in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence.” LCR 7(h)(1).¹ Defendants assert that it was manifest error to allow plaintiff’s Consumer Protection Act claim to proceed when it is insufficiently pled under Rule 9(b)’s heightened pleading standard. But defendants did not raise that argument in their motion, instead expressly limiting their 9(b) challenge to the claims for fraud by concealment or omission (Nationwide Count II) and negligent misrepresentation (Nationwide Count III). *See* Dkt. # 72 at 31; Dkt. # 81 at 20.

¹ Defendants’ citation to Fed. R. Civ. P. 59 is unavailing. That rule governs motions to alter or amend judgments. No judgment has been entered in this case.

Dated this 26th day of April, 2024.

Robert S. Lasnik

United States District Judge